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TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING

Docket Number (Optional)

REJECTION OVER A PRIOR PATENT

In re Application of:

Application No.:

Filed:

For:

JUL 01 2004

TECH CENTER 1600/2900

The owner*, MADASH LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 10/007,184. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record.


Signature

6/23/04
Date

06/29/2004 JADD01 00000054 10007184

01 FC:2814

55.00 OP

Eyal S. Ron

Typed or printed name

(617) 308-8200

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

For valuable consideration, we,

Full Name of Assignor	City	State (and Country if not USA)
Eyal S. RON	LEXINGTON	Massachusetts

hereby assign to

Full Name of Assignee	State of Incorporation	Business Address
MADASH LLC	MASSACHUSETTS	7 Coach Road Lexington, MA 02420

and to its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title, and interest throughout the world in the inventions and improvements which are subject of one or more applications for United States Patent signed by us, identified as:

Title of Application	Filing Date/Issue Date	Serial Number/Patent Number
END MODIFIED THERMAL RESPONSIVE HYDROGELS	November 13, 2001	10/007,184
END MODIFIED THERMAL RESPONSIVE HYDROGELS	August 4, 1999/November 13, 2001	09/368,440/6,316,011

and we authorize and request the attorneys appointed in said application to hereafter complete this assignment by inserting above the filing date and serial number of said application when known; this assignment includes said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our names or in its own name for patents, utility models, design registrations, and like rights of exclusion, and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation, to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements, and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Lexington, MA,
this 22 day of June, 2004

Eyal S. RON

Witness:

MARY ROSE SCZZAFANI Mary Rose Sczzafani
PRINTED NAME SIGNATURE

6/22/04
DATE



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 06, 2001

PTAS



101667597A

EYAL S. RON
7 COACH ROAD
LEXINGTON, MA 02420

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/19/2001

REEL/FRAME: 011635/0356
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
BROMBERG, LEV

DOC DATE: 11/02/1998

ASSIGNOR:
TEMCHENKO, MARINA

DOC DATE: 11/02/1998

ASSIGNEE:
RON, EYAL S.
7 COACH ROAD
LEXINGTON, MASSACHUSETTS 02420

SERIAL NUMBER: 60097741
PATENT NUMBER:

FILING DATE: 08/24/1998
ISSUE DATE:

SERIAL NUMBER: 09368440
PATENT NUMBER:

FILING DATE: 08/04/1999
ISSUE DATE:

011635/0356 PAGE 2

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

NR

04-04-2001

3.19.01



Substitute Form PTO-1595

by Docket Number: EMP Hydrogels

Certificate	101667597
<p>I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to BOX ASSIGNMENT, Commissioner, United States Patent and Trademark Office, Washington, D.C. 20231.</p>	
Printed Name	Signature of Person Mailing Correspondence

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

Please record the attached document.

<p>1. Names of all conveying parties:</p> <p>Lev Bromberg Marina Temchenko</p> <p>Additional names attached: NO</p>	<p>2. Names and addresses of all receiving parties:</p> <p>Eyal S. Ron 7 Coach Road Lexington, MA 02420</p> <p>Additional names/addresses attached: NO</p>
<p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: _____</p> <p>Execution Date: November 2, 1998</p>	<p>1.5 1001</p>
<p>4. Application numbers or patent numbers:</p> <p>A. Patent Application Numbers:</p> <p>60/097,741 09/368,440</p>	<p>B. Patent Numbers:</p>
<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Eyal S. Ron 7 Coach Road Lexington, MA 02420</p>	<p>6. Total number of applications involved: two (2)</p> <p>7. Total fee (37 C.F.R. § 3.41): \$80.00 <input checked="" type="checkbox"/> Fee enclosed <input type="checkbox"/> Authorized to charge deposit account</p>

DO NOT USE THIS SPACE

04/04/2001 DBYRNE 00000014 60097741

01 FC:581

80.00 DP

9. Statement and signature: *To the best of my knowledge and belief, the foregoing information is true and correct and the attached is the original document.*

Eyal S. Ron
Name of person signing

Eyal S. Ron
Signature

3/15/01
Date

MADASH, LLC.

Agreement between Lev Bromberg, Marina Temchenko and Eyal S. Ron

This agreement is between Eyal S. Ron (hereinafter "Assignee") and Lev Bromberg and Marina Temchenko (hereinafter collectively the "Assignors").

Assignors agree to assign all right, title and interest in inventions relating to bioadhesive-thermal responsive hydrogels based on end-modified block copolymers of poly(ethylene oxide) and poly(propylene oxide) substantially as describe in US Provisional "Self-Assembling Copolymers and Methods Relating Thereto" application No. 60/097741, filing date August 24, 1998, and as will be describe in US Patent Application Entitled "Thermal Responsive and Bioadhesive Hydrogels" to be filed by Assignee and Assignors, hereinafter the "Technology".

Assignors agree to provide all data and technical information in their possession relating to the Technology for the purpose of preparing the application named herein above.

In consideration therefore, Assignee agrees to give collectively to Assignors for them to distribute between themselves as they deem appropriate:

1. 15% royalties on all milestone payments received by Assignee from third parties for activities related to the Technology;
2. 10% of all royalty payments received by Assignee from third parties based on sales of material or product related to the Technology;
3. 0% royalties on money received by Assignee from third parties allocated for R & D;
4. Assignee agrees to compensate Assignors for R & D activities related to the Technology performed by Assignors when such activities are supported by third parties, the compensation to be mutually agreed upon.

Assignee will issue all amounts due within 45 days of receiving and cashing the payment from a third party.

MADASH, LLC.

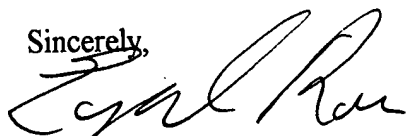
In the event that a company, hereinafter "NewCo", will be structured around the Technology, Assignors will have the option to convert a portion of their royalty income to 5% equity. The deal will look as follow:

- I. 10% royalties on all milestone payments received by Assignee from third parties for activities related to the Technology;
- II. 5% of all royalty payments received by Assignee from third parties based on sales of material or product related to the Technology;
- III. 3% of net sales of products covered under the Technology and sold directly by NewCo.
- IV. 0% royalties on money by Assignee from third parties allocated for R & D;
- V. 5% equity in NewCo as a founder stock (vested over 3 years);
- VI. In case Assignors are not employed by NewCo, Assignee agrees to compensate Assignors for R & D activities related to the Technology performed by Assignors, the compensation to be mutually agreed upon.

Assignee will issue all amounts due within 45 days of receiving and cashing the payment from a third party. Assignee will pay for all patent costs and other expenses as relating to marketing and developing the Technology.

Your continued involvement will increase the chance of this opportunity to succeed.

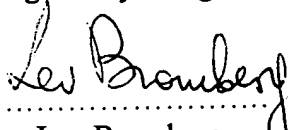
Sincerely,

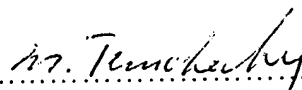


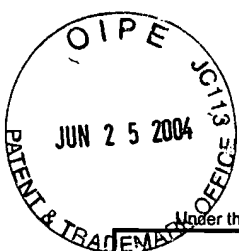
Eyal S. Ron, Ph.D. (Assignee)

Tuesday, October 27, 1998

Agreed by Assignors:

 11/02/98
Lev Bromberg Date

 11.02.98
Marina Temchenko Date



PTO/SB/96 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Eyal S. RonApplication No./Patent No.: 10/007,184 Filed/Issue Date: November 13, 2001Entitled: END MODIFIED THERMAL RESPONSIVE HYDROGELSMADASH LLC, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.**OR**B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: Lev Bromberg, Marina Temchenko To: Eyal S. RonThe document was recorded in the United States Patent and Trademark Office at
Reel 011635, Frame 0356, or for which a copy thereof is attached.2. From: Eyal S. Ron To: MADASH LLCThe document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

June 22, 2004

Date

617 308 8200

Telephone number

Eyal S. Ron

Typed or printed name

Signature

President, CEO

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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